

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JUNE 6, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: RQR-21914 - APPLICANT: CRISTOBAL SANTOS - OWNER: TOFFY ENTERPRISES LLC.**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. Conformance to the conditions of approval of Special Use Permit (SUP-13271) and all other site related actions.
2. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Required Six Month Review of an approved Special Use Permit (SUP-13271) for a Retail Establishment with Accessory Package Liquor Off-Sale on 1.22 acres at 8251 West Charleston Boulevard.

This is the first review of the subject Special Use Permit. At the time of inspection (05/16/07) it was noted that the business was not in conformance to conditions of approval number one and number eight from the original Special Use Permit. Upon inspection temporary signage was located within the landscaping along West Charleston Boulevard. Additionally, the trash enclosure was being used for storage while the dumpster was being kept outside of the enclosure. As the site is currently not in conformance to the conditions of approval for SUP-13271, denial of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/05/93	The City Council approved a Rezoning (Z-0026-93) of this site to C-1 (Limited Commercial). The Planning Commission and staff had recommended approval.
07/13/95	The Planning Commission approved a Site Plan Development Plan Review [Z-26-93 (3)] of a proposed retail shopping center on the subject site. The subject convenience store was part of this request.
07/17/96	The City Council approved a Special Use Permit (U-0049-96) for the sale of beer and wine in conjunction with the subject convenience store.
10/18/06 *	The City Council approved a request for a Special Use Permit (SUP-13271) for a Special Use Permit for a retail establishment with accessory package liquor off-sale in an existing convenience store on 1.22 acres at 8251 West Charleston Boulevard. The Planning Commission and staff recommended approval.
05/16/07	The site was inspected and found to be out of conformance with conditions of approval number one and eight of Special Use Permit (SUP-13271).
05/18/07	A letter was sent to the applicant requiring the site to comply with conditions of approval from Special Use Permit (SUP-13271).
<b><i>Related Building Permits/Business Licenses</i></b>	
03/28/97	A business license (L10-00162) to allow the sale of beer and wine in conjunction with the subject convenience store was issued.
08/29/06	A business license (L15-00048) was issued to allow the sale of package liquor for the subject property.
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required, nor was one held.	

<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	1.22

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
	Multi-Family Residential	M (Medium Density Residential)	R-PD14 (Residential Planned Development – 14 Units per Acre)
South	Multi-Family Residential	M (Medium Density Residential)	C-1 (Limited Commercial)
East	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

This is the first review of the subject Special Use Permit. At the time of inspection it was noted that the business was not in conformance to conditions of approval number one and number eight from the original Special Use Permit. There was signage located within the landscaping along West Charleston Boulevard that does not meet the requirements of Title 19.14. Additionally, the trash enclosure was being used for storage while the dumpster was being kept outside of the enclosure. On 05/18/07 a letter was sent to the applicant requesting that these issues be addressed. As the site is currently not in conformance to the conditions of approval for SUP-13271, denial of this request is recommended.

**Conditions of approval from SUP-13271:**

1. Any existing banner signs located on the establishment shall be removed. Any future temporary signs, such as banners, shall comply with the requirements of Title 19.14.090 (A).
2. The sale of alcoholic beverages shall be limited to a maximum of 10 % of the floor area of the convenience store.
3. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a retail establishment with accessory package liquor off-sale use.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
  - A. Hours of operation shall be from 6 a.m. to midnight, seven days a week.
  - B. A six-month review from the date of issuance of the liquor license is required to be heard at a public hearing before the City Council.

**FINDINGS**

The continued operation of the subject Retail Establishment with Accessory Package Liquor Off-Sale at this location is not deemed appropriate. The site is not in conformance to the conditions of approval for SUP-13271. Denial of this request is recommended.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT**      N/A

**SENATE DISTRICT**      N/A

**NOTICES MAILED**      360

**APPROVALS**      0

**PROTESTS**      0